

Message Text

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PAGE 01 GENEVA 06504 121827Z

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ACTION IO-13

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DHA-02 ORM-02 ACDA-10 AID-05 SAM-01 OMB-01 SSO-00

INRE-00 NSCE-00 CIAE-00 DODE-00 PM-04 H-02 INR-07

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E.O. 11652: N/A

TAGS: SHUM

SUBJECT: 29TH SESSION SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

SUMMARY: 29TH SESSION OF SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES OPENED WITH LENGTHY ATTACK ON INTERNATIONAL COMMISSION OF JURISTS. LED BY USSR MEMBER SMIRNOV AND STRONGLY SUPPORTED BY GANJI (IRAN) ICI'S RIGHT TO DISTRIBUTE A MEMO CONCERNING VIOLATIONS OF HUMAN RIGHTS OF PERSONS IN DETENTION OR IMPRISONMENT (WHICH NAMED COUNTRIES) WAS QUESTIONED. DISCUSSION WAS INCONCLUSIVE AND INDICATIONS ARE THAT LEGAL OPINIONS WILL BE REQUIRED TO RESOLVE ISSUE.

OFFICERS FOR THIS SESSION OF SUB-COMMISSION WERE ELECTED AND AGENDA ITEMS WILL BE CONSIDERED BASED ON AVAILABILITY OF DOCUMENTS. END SUMMARY.

1. IN THE COURSE OF DISCUSSING THE PROVISIONAL AGENDA, USSR
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PAGE 02 GENEVA 06504 121827Z

MEMBER SMIRNOV EXPRESSED FRUSTRATION THAT SECT COULD NOT,

IN ACCORDANCE WITH RULES OF PROCEDURE, PROVIDE DOCUMENTS TO SUB-COMMISSION MEMBERS 42 DAYS IN ADVANCE OF A SESSION, BUT THE INTERNATIONAL COMMISSION OF JURISTS (ICJ) COULD DISTRIBUTE DOCUMENT ON DETENTION AND IMPRISONMENT AT BEGINNING OF MEETING. ACCORDING TO RULES OF PROCEDURE, SMIRNOV SAID ICJ DISTRIBUTION IMPROPER SINCE IT HAD NOT GONE THROUGH OFFICIAL UN CHANNELS. IN RESPONSE, HUMAN RIGHTS DIRECTOR SCHREIBER NOTED THAT ICJ REP HAD DISTRIBUTED DOCUMENT WITHOUT SECT KNOWLEDGE. HE SAID THIS WILL NOT HAPPEN IN FUTURE.

2. IRANIAN EXPERT GANJI, IN SUPPORT OF SMIRNOV, CITED SEVERAL ECOSOC RESOLUTIONS (SPECIFICALLY 1503) REGULATING N.G.O. DISTRIBUTION OF DOCUMENTS AND NOTING THAT NGO STATUS COULD BE SUSPENDED IF THESE RULES WERE NOT FOLLOWED.

3. VAN BOVEN (DUTCH) QUESTIONED WHETHER THE ICJ DOCUMENT FELL UNDER RESOLUTION CITED BY GANJI AND SMIRNOV AND SAID HE SAW NO REASON WHY NGO'S COULD NOT DISTRIBUTE DOCUMENTS TO INDIVIDUAL MEMBERS ON ANY ISSUE RELATED TO SUB-COMMISSION'S WORK. THIS WAS SUPPORTED BY SEKYIAMAH (GHANA) WHO SAW NOTHING TERRIBLY WRONG WITH ICJ INFORMALLY DISTRIBUTING A DOCUMENT WHICH FELL UNDER AGENDA ITEM 11, ON TORTURE AND NOT RPT NOT ITEM 9 ON COMMUNICATIONS TO WHICH RESOLUTION 1503 APPLIES.

4. AMBASSADOR CARTER (US) POINTED OUT THAT RULES ARE RECOGNIZED IN SOME INSTANCES AND NOT OTHERS. HE SAID HE WAS NOT TROUBLED BY THE ICJ DISTRIBUTION AND NOTED THAT UN DOCUMENTS WERE NEVER RECEIVED 42 DAYS PRIOR TO SESSIONS AS STATED IN RULES OF PROCEDURE, BUT NO GREAT ISSUE WAS MADE OVER THIS LAXED PROCEDURE.

5. NETTEL (AUSTRIA) RECOMMENDED THAT THE DISCUSSION BE SUSPENDED UNTIL ALL RESOLUTIONS AND DOCUMENTS RELATING TO MATTER COULD BE MADE AVAILABLE TO ALL SUB-COMMISSION MEMBERS AND A LEGAL OPINION RENDERED.

6. IN REPLY TO ATTACKS, NAILL MACDERMOT, SECRETARY-GENERAL OF ICJ, SAID HE FELT THERE WAS NO PROBLEM IN UNCLASSIFIED

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PAGE 03 GENEVA 06504 121827Z

INFORMAL DISTRIBUTION OF THE DOCUMENT. HE HAD MADE INFORMAL DISTRIBUTION LAST YEAR AND RECEIVED NO CRITICISMS; THE ONLY COMMENTS WERE FAVORABLE. HE NOTED THAT PRESENT DOCUMENT WAS DELAYED IN PREPARATION AND THUS TOO LATE TO DISTRIBUTE IN ACCORDANCE WITH RESOLUTION 4. HE ALSO EXPLAINED THAT DOCUMENT RELATES TO AGENDA ITEM 11.

7. MACDERMOT RECALLED THAT HE HAD RAISED QUESTION AT

LAST SESSION OF SUB-COMMISSION ABOUT PROPRIETY OF NAMING COUNTRIES IN NGO REPORTS AND HAD ASKED FOR GUIDANCE IN THIS MATTER. TO DATE NO GUIDANCE HAS BEEN RECIEVED. HE COMMENTED THAT THERE WERE NO OBJECTIONS TO THE MENTION OF SOUTH AFRICA IN PAST ICJ REPORTS.

8. DEBATE WAS INCONCLUSIVE AND ENDED WITH SCHREIBER RESTATING SECT'S LACK OF KNOWLEDGE ABOUT DISTRIBUTION. COMMENT. BOTH USSR AND IRAN ARE CITED IN ICJ MEMO. GANJI AND SMIRNOV TOOK OFF THEIR EXPERT HATS TO REPRESENT THEIR COUNTRIES AND IN THE PROCESS ALL NGO'S CAME UNDER ATTACK. END COMMENT.

9. DURING COURSE OF MEETING, MEMBERS MANAGED TO ELECT OFFICERS FOR 29TH SESSION: CHAIRMAN, MARTINEZ-COBO (ECUADOR); VICE-CHAIRMAN, PIRZADA (PAKISTAN); SMIRNOV (USSR); NETTEL (AUSTRIA); RAPPORTEUR, MRS. KEZIA KINYANJUI (KENYA).

10. SUB-COMMISSION WILL CONSIDER ITEM 3 AT SECOND MEETING AND PROCEED WITH OTHER ITEMS AS DOCUMENTS BECOME AVAILABLE. CATTO

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